

① Remove

Application #10/648,409  
~~Replacement Sheet~~  
 POWERFLEX DELUXE WALKING STICKS  
 STEVEN ANTHONY SMITH  
 30075 NW CAPEHORN ROAD  
 BUXTON, OREGON 97109 USA

② Add

~~Please remove the amended~~ *amended*  
 SPECIFICATION *6.5 sec.*

This application [refers] claims benefit to Provisional Patent Application  
 #60/405,889, filed on 08/26/02.

## BACKGROUND

This invention is in the field of health and exercise. The idea came to me as a result of experimentation in my home environment of the Coast Range Mountains of northern Oregon. I have lived here on my 13 acres, surrounded by hundreds of acres of forest land, for 22 years. I hike around here almost every day. I started using a single walking stick, (just a fir branch I picked up from the ground), to ease the strain on my left knee, which had been injured in a motorcycle accident in 1966. As time went on, I discovered that using 2 sticks, one in each hand, was better. In fact, the more I used the 2 sticks together, the more I liked it. I could walk much farther with less pain in my knee. I also discovered that my upper body was becoming tighter, more toned. The only problem was that the dry fir branches that I was using would eventually break. Well, my supply of branches was virtually infinite, so I would just pick up another one. One day I decided to try some fresh, green branches so they would not break so easily. Since they were green, they would flex more than the dry branches. At first I didn't like the effect, --- too much flex didn't give enough support. So I kept fine tuning my choice of branches until I found the right amount of flex for my weight. The flex acts like shock absorbers on a car. It reduces strain on the joints of the body. So for years I was using these walking. Some people would laugh, but I didn't care because I knew they worked for me. Then I started thinking about a more durable stick. I made a few phone calls, and discovered that the technology already exists to create a lightweight,

November 14, 2005

Signature

*1*  
 Faxed to Dai  
 she said make changes ①, ②

① Remove

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## CLAIM

I claim:

1. (amended) [What I claim as my invention is the flexible, shock absorbing, power-releasing shaft of my walking sticks.] A walking aid and exercise device, used in pairs, comprising: a flexible shaft which is curved along its longitudinal axis, concave to the plane of forward motion; a contoured, removable handgrip which attaches to the upper end of the shaft, and is angled approximately 15 degrees forward of the vertical axis of the shaft; a removable tip at the bottom of the shaft.
2. (new) The device of claim 1 wherein the length of the device is in the range of 36 to 60 inches.

November 14, 2005

②

Signature *Steven A. Smith*

*Copy faxed to Dai Johnson for examination 11/14/05  
 2 days later called her, she said "make changes  
 ① and ② and it would be complete"*

FROM : Steve Smith

PHONE NO. : 324 6123

Apr. 11 2006 09:47AM P15



UNITED STATES PATENT AND TRADEMARK OFFICE

10/648,409

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Received Nov 7, 2005

**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)  
No New Time Period for Reply is Provided**

The amendment document filed on July 28, 2005 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 7/1/05. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

**THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other: Specification must be submitted with underlines, brackets, and strikethroughs to show changes.  
See website below for further explanation.
- Doi → underline = new  
bracket = old  
strikethrough = old*

- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☒ B. Other: must include markings to show changes.
- Never changed*

- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other:

- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 1 must show brackets, underlines, and strikethroughs to show changes

*John*

571-272-4601

*Doi Johnson*

*extension*

*Supervisory*

571

*Janet Wilkins  
out till  
Feb 3*

92  
10867

FROM : Steve Smith

PHONE NO. : 324 6123

Apr. 11 2006 09:49AM P16

*Janet Wilkens Personal FAX  
703 273 6869 Given to me 3/23/06*

*Received 3/10/06  
Notice of Abandonment*

Application No.

10/648,409

Examiner

Janet M. Wilkens

Applicant(s)

SMITH, STEVEN ANTHONY

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on July 28, 2005. *cl did not receive*
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received. *Replied to Nov office letter by USPS Express Mail Nov 28, 2005*
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*3/23/06 called, left message to please return call*

*phone 571-272-6869*

*Janet M. Wilkens  
PATENT EXAMINER  
Art Unit 3637*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060227